

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LIAM ALEXANDER,

Plaintiff,

-against-

DEPARTMENT OF HOMELESS SERVICES,

Defendants.

22-CV-10160 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

This is one of multiple actions that the Court has received this year that purports to be brought by “Liam Alexander” but appears actually to have been filed by Sean Finnegan, who is barred from proceeding *in forma pauperis* (IFP). *See Finnegan v. Dist. of Columbia Sup. Ct.*, ECF 1:21-CV-10946, 6 (S.D.N.Y. Feb. 7, 2022).¹

In *Alexander v. NYPD*, No. 22-CV-4610 (LTS), the Court issued an order noting that the complaint filed by “Liam Alexander” used the same address (421 8th Avenue, Unit 522) that Finnegan had provided for himself in his recent cases; that Alexander’s handwriting and signature appeared to be the same as Finnegan’s handwriting and signature; that Alexander and Finnegan had, in different district courts, filed the same suit based on the same facts, *see Alexander v. Serv Corp.*, No 1:22-CV-2235 (N.D. Ill. filed April 28, 2022); *Finnegan v. Serve Corp*, ECF 1:22-CV-0629, 3 (S.D.N.Y. Feb. 7, 2022); and that, after Finnegan was barred from proceeding IFP, he repeatedly filed suit under alternate names in an apparent effort to circumvent the bar order, *see, e.g., Liquid Events Worldwide v. Hosteling Int’l*, ECF 1:22-CV-2478, 3 (S.D.N.Y. Apr. 11, 2022) (suit brought by Sean Finnegan). The Court therefore directed Plaintiff

¹ The Court recently dismissed *Alexander v. Dep’t of Homeless Servs.*, No. 22-CV-10187 (LTS) (S.D.N.Y. Dec. 6, 2022), as a duplicate of this suit.

in that action to show cause, within 30 days, why the action should not be dismissed as having been brought IFP by Sean Finnegan, who is barred from proceeding IFP.

Plaintiff did not respond to the order to show cause, which was returned to the Court as undeliverable. By order dated August 24, 2022, the Court dismissed that action without prejudice. ECF 1:22-CV-4610, 5.

Plaintiff now brings this action, which has similar indicia that it is filed by Sean Finnegan even though the plaintiff is listed as Liam Alexander. The complaint uses Finnegan's address, has Finnegan's distinctive handwriting and signature, and asserts claims about stolen property that are similar to those that Finnegan has repeatedly brought. It therefore appears that Sean Finnegan brings this action, notwithstanding that it bears the name Liam Alexander.

Moreover, Plaintiff seeks to proceed IFP in this action. Because Finnegan is barred from proceeding IFP, he must submit an application for leave to file a new action in order to comply with the prefiling injunction in *Finnegan*, ECF 1:21-CV-10946, 6. Finnegan, who appears to be bringing this action, has not done so, and the Court therefore dismisses this action without prejudice under the bar order. *Finnegan*, ECF 1:21-CV-10946, 6.

If Plaintiff wishes to controvert the Court's conclusion that Sean Finnegan brings this action, he may move, within 14 days, to reopen this action and submit written identification or other evidence that Liam Alexander – and not Sean Finnegan – is the plaintiff in this matter.

CONCLUSION

The Court concludes that Sean Finnegan, who is barred from bringing a new action IFP without leave to Court, has brought this action and sought leave to proceed IFP. Because he did not comply with the prefiling injunction, the Court dismisses this action without prejudice under the bar order. *Finnegan*, ECF 1:21-CV-10946, 6.

Plaintiff may move, within 14 days, to reopen this action by submitting written identification or other evidence that Liam Alexander – and not Sean Finnegan – is the plaintiff in this matter.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: December 8, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge